

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DAVID ADAMS,

PLAINTIFF

V.

NO. 4:04CV149-P-D

DEWIGHT PRESLEY, ET AL,

DEFENDANTS

ORDER DENYING PLAINTIFF'S MOTION TO COMPEL

This *pro se* § 1983 complaint was dismissed with prejudice on October 6, 2004, for failure to state a claim upon which relief could be granted. Plaintiff filed notice of appeal, but the appeal was dismissed on May 23, 2005, in accordance with plaintiff's motion to voluntarily dismiss the appeal pursuant to Rule 42(b), Federal Rules of Appellate Procedure. Before plaintiff moved to dismiss the appeal, he had filed a motion asking the court to provide him a copy all proceedings in the case, stating that his paperwork had been lost and that he needed the documents for appeal. Since the appeal has been dismissed, the motion is moot. Accordingly, it is **denied**.

SO ORDERED, this the 18th day of July, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE